

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CITY OF EL CENIZO, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL NO. 5:17-CV-404-OLG
	§	[Consolidated/Lead case]
STATE OF TEXAS, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**CITY OF SAN ANTONIO PLAINTIFFS' ADVISORY REGARDING TEXAS SENATE  
BILL 4**

Plaintiffs City of San Antonio, *et al.*<sup>1</sup>, file this written advisory with attached documentation in response to the Court's January 5, 2024 order that the parties provide an advisory regarding "any and all past or pending state actions to enforce or threats to enforce the provisions of Texas Senate Bill No. 4, passed by the 85<sup>th</sup> Legislature." *See* Dkt. 331.

Defendants State of Texas and Texas Attorney General Warren Kenneth Paxton ("Defendant Paxton") have pursued two separate enforcement actions against Plaintiff City of San Antonio and its officials since 2018. In addition, the City of Rowlett, Texas, pursuant to SB4, unconstitutionally detained Plaintiffs Maria Valladarez and Armando Simon based on their suspected immigration status on April 23, 2019.

First, on November 30, 2018, Defendant Paxton sued Plaintiffs City of San Antonio and Police Chief William McManus, among others, in Travis County District Court, for alleged

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<sup>1</sup> San Antonio Plaintiffs are City of San Antonio, La Union del Pueblo Entero, Texas Association of Chicanos in Higher Education, Workers Defense Project, City of El Paso, Bexar County, William McManus, Maria Valladarez, and Armando Simon.

violations of Senate Bill No. 4, passed by the 85th Legislature ("SB4").<sup>2</sup> *See* Ex. A (Petition). The lawsuit sought over \$150 million in civil penalties against San Antonio, in addition to civil penalties against Chief McManus, an injunction, and attorney's fees for the Attorney General. *See id.* at 23-24. The lawsuit alleged that the City of San Antonio and Chief McManus, among others, violated SB4 by: "prohibiting the enforcement of immigration laws"; "materially limiting the enforcement of immigration laws"; maintaining "a de facto policy of prohibiting or materially limiting SAPD officers from complying with federal immigration laws"; and maintaining "a policy of contacting Catholic Charities . . . and contacting immigration counsel to represent [] suspected aliens [which] prohibits and materially limits the enforcement of immigration laws." *See id.* at 3, 20-21. Based on the allowable penalties in the statute and the allegations made by the Attorney General, the damages sought exceeded \$100 million.

Prior to Defendant Paxton filing the lawsuit, the Office of the Attorney General launched an investigation into the City of San Antonio and requested that the City provide information and witnesses. The City of San Antonio worked to meet all of the requests. During the investigation, the Office of the Attorney General did not notify the City that it was deemed to be in violation of SB4 and did not provide the City an opportunity to cure any alleged violations. The City of San Antonio learned of the alleged violations when Defendant Paxton filed the lawsuit and issued a press release.

Second, on January 22, 2021, Defendant State of Texas, acting through its Attorney General, Defendant Paxton, filed a *quo warranto* action to remove Plaintiff Chief McManus from

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<sup>2</sup> *Ken Paxton, in his Official Capacity as Attorney General of Texas v. William McManus, in his Official Capacity as Chief of the San Antonio Police Department; City of San Antonio; and Erik Walsh, in his official capacity as City Manager of City of San Antonio*, Cause No. D-1-GN-18-007133, filed in the 345th District Court of Travis County, Texas (the "Travis County Litigation").

office.<sup>3</sup> *See* Ex. B (Quo Warranto Petition). In the lawsuit, Defendant Paxton alleged that Chief McManus implemented policies that violate SB4 and as such he was exercising his right afforded by that statute to remove McManus from his employment as the Chief of Police for the City of San Antonio *Id.* The case was dismissed by Bexar County Judge Mary Lou Alvarez, and the State appealed to the Fourth Court of Appeals.<sup>4</sup> *See* Exs. C and D (Order of Dismissal and Notice of Appeal).

As a result of these two enforcement actions filed by Defendants against Plaintiffs San Antonio and Chief McManus, the City of San Antonio was forced to spend over \$6.5 million in attorneys fees.<sup>5</sup>

In April 2022, Plaintiff San Antonio, Chief McManus, and others, and Defendant Paxton, reached a settlement which ended both SB4 enforcement actions. *See* Ex. E (COSA City Council Agenda Memorandum). In that settlement, the City of San Antonio agreed to pay \$300,000 to the Office of the Attorney General and clarify in San Antonio Police Department (“SAPD”) written policies that SAPD will continue to cooperate with federal immigration authorities. *Id.*

Third, and as described more fully in San Antonio Plaintiffs' Second Amended Complaint, pursuant to SB4, officers of the City of Rowlett, Texas Police Department detained Plaintiffs Maria Valladarez and Armando Simon based on their suspected immigration status on April 23, 2019, confiscated their identity documents, and held the couple until federal immigration agents arrived on the scene. *See* Dkt. 282 at 41-45. ICE agents arrested Ms. Valladarez and placed her under an

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<sup>3</sup> *Ken Paxton, in his Official Capacity as Attorney General of Texas v. William McManus, in his Official Capacity as Chief of the San Antonio Police Department*; Cause No. 2021-CI-00942, filed in the 45th Judicial District of Bexar County, Texas (the “Bexar County Litigation”).

<sup>4</sup> *Ken Paxton, in his Official Capacity as Attorney General of Texas (Appellant) v. William McManus, in his Official Capacity as Chief of the San Antonio Police Department (Appellee)*; Cause No. 04-21-00547-CV, filed in the Court of Appeals for the Fourth District of Texas (the “Bexar County Appeal”).

<sup>5</sup> KSAT.com, “City Council approves \$300K settlement in Texas’ sanctuary cities lawsuit against McManus,” April 7, 2022, available at <https://www.ksat.com/news/local/2022/04/07/city-council-approves-300k-settlement-in-texas-sanctuary-cities-lawsuit-against-mcmanus/>.

order of supervision under which she can be removed from the United States on little to no notice.

*Id.*

San Antonio Plaintiffs also provide, for the two lawsuits filed by Defendant Paxton against Plaintiffs San Antonio and McManus, a copy of the docket sheet, all pleadings, all briefs on substantive issues, and all orders and judgments. The documents are attached as Exhibits F through H.

Dated: January 29, 2024

Respectfully submitted,

**MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL FUND**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of January 2024, I served a copy of the foregoing document on all counsel registered to receive electronic notifications through this Court's CM/ECF system.

/s/ Nina Perales  
Nina Perales